

REMARKS

Reconsideration of the application is requested.

Claims 4 and 6 are now in the application. Claims 4 and 6 are subject to examination. Claim 1 has been amended. Claim 5 has been canceled to facilitate prosecution of the instant application.

Under the headings "Drawings" and "Response to Amendment" on page 2 of the above-identified Office Action, the Examiner objected to the previous amendment and alleged that Figs 4 and 5 introduced new matter. Applicant respectfully traverses.

The Examiner has not specifically identified what is considered to be new matter. Fig. 4 is virtually identical to Fig. 3. The only addition is the reference characters 20, 21, and 22 and the dashed lines, which are used to identify the superfluous material that is removed from the connector strips. Fig. 4 shows an intermediate state that is clearly described in the specification.

Fig. 1 shows the accumulator before the superfluous material has been removed. Fig. 3 shows the accumulator after the superfluous material has been removed. Page 6, lines 26-30 of the translated specification clearly teaches that Fig. 3 shows the accumulator after the superfluous material has been removed. Fig. 4 shows an intermediate state that is clearly described in the specification. One of ordinary skill in the art knows that the state shown in

Fig. 4 must exist, and as previously stated, the figure is virtually identical to Fig. 3. If one figure shows the material being present and another figure shows the material removed, specifically identifying the material that has been removed, as the Examiner has required applicants to do in a prior Office action, does not present a new matter issue. Fig. 4 is not new matter; it does not show any details that are not readily apparent by referring to Figs. 3 and 1 and to the translated specification at page 6, lines 26-30.

Fig. 5 does not show any specific details that are not described in the specification. Fig. 5 merely shows a block diagram of two extruding dies in which one is smaller than the other. This is clearly described in claim 5 and in the translated specification on page 4, lines 19-23. In fact, claim 5 alone clearly describes a first extruding die and a second extruding die slightly smaller than the first extruding die. There is clear support for Fig. 5 and it is not new matter.

The translated specification was previously amended to refer to the added drawings. Support for the brief comments can be found by referring to Figs. 1 and 3, page 4, lines 19-23, page 6, lines 26-30, and to claim 5. No new matter has been added.

If the Examiner should somehow disagree and still believe that new matter has been added, applicants respectfully request that the Examiner specifically identify what portions of Figs. 4 and 5 and the descriptions thereof are considered to be new matter and why the Examiner believes that the identified

portions are new matter. Applicants would like the opportunity to specifically address any concerns that the Examiner might have in order to resolve the issue and swiftly advance prosecution of this case.

Under the heading "Claim Rejections – 35 USC § 112" on page 2 of the above-identified Office Action, claims 4-6 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

Usually limitations in the preamble of the claim are not given patentable weight and therefore the elements in the preamble were again introduced in the body of the claim. Applicant has amended to body of the claim to refer to the elements in the preamble.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. The above-noted changes to the claims are provided solely for clarification or cosmetic reasons. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claim for any reason related to the statutory requirements for a patent.

Under the heading "Claim Rejections – 35 USC § 103" on page 3 of the above-identified Office Action, claims 4 and 6 have been rejected as being obvious over U.S. Patent No. 4,899,712 to De Bruyn et al. in view of U.S. Patent No. 6,705,083 to Vennemeyer et al. and U.S. Patent No. 3,795,970 to Keathley et al. under 35 U.S.C. § 103.

The limitations of claim 5 have been added to claim 4. Please see the discussion below.

Under the heading "Claim Rejections – 35 USC § 103" on page 4 of the above-identified Office Action, claim 5 has been rejected as being obvious over U.S. Patent No. 4,899,712 to De Bruyn et al. in view of U.S. Patent No. 6,705,083 to Vennemeyer et al. and U.S. Patent No. 3,795,970 to Keathley et al. and further in view of official notice under 35 U.S.C. § 103. Applicants respectfully traverse.

The Examiner has cited the same prior art as in the previous rejections, but has now changed the order of the references and the logic used to support the rejection. With regard to claim 4, the Examiner has alleged that De Bruyn et al. and Keathley et al. would have suggested modifying the teaching of Vennemeyer et al. by profile extruding the tubular base body and hardening a surface of the high pressure accumulator by cold working the one-piece integral component.

Applicants first point out that De Bruyn et al. specifically teach against profile extruding the tubular base body because this makes manufacturing the injector cups very complicated and requires many manufacturing runs (See column 2, lines 23-26). Vennemeyer et al. teach nothing that would cause one of ordinary skill in the art to deviate away from De Bruyn et al.'s teaching against profile

extruding the tubular base body. Further, the Examiner's allegation with regard to claim 5 that it is well known to redraw a tube profile through a second extruding die that is slightly smaller than a first extruding die does not support any allegation that one of ordinary skill in the art would deviate from De Bruyn et al.'s teaching against profile extruding. For these reasons alone, the invention as defined by claim 4 would not have been suggested.

Applicants next point out that De Bruyn et al. teach producing a fuel injection rail, whereas Vennemeyer et al. teach a master cylinder for an automotive brake assembly. Vennemeyer et al. do not teach anything relating to producing a fuel injection rail. Applicants first assert that one of ordinary skill in the art tackling the problem of producing a fuel injection rail would not have even considered a teaching related to an automotive brake assembly. Applicants believe that Vennemeyer et al. is not valid prior art. More importantly, even if one of ordinary skill in the art were to consider a teaching related to an automotive brake assembly when producing a fuel injection rail, they would not have obtained any suggestion to modify the fuel injection rail.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 4. Claim 4 is, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 4.

In view of the foregoing, reconsideration and allowance of claims 4 and 6 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Sterner LLP, No. 12-1099.

Respectfully submitted,

/Mark P. Weichselbaum/
Mark P. Weichselbaum
(Reg. No. 43,248)

MPW:cgm

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Lerner Greenberg Sterner LLP
P.O. Box 2480
Hollywood, Florida 33022-2480
Tel.: (954) 925-1100
Fax: (954) 925-1101